

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID EVANS #574401,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:18-CV-23

MICHIGAN DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**

This matter is before the Court on Defendants' Motion for Summary Judgment. (ECF No. 15). Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Defendants' motion be **granted** and this action **terminated**.

Plaintiff initiated this action on January 8, 2018, asserting various claims against numerous defendants. (ECF No. 1). With the exception of isolated claims against Defendants Beechler and Treble, Plaintiff's claims were dismissed on screening. (ECF No. 5-6). On August 28, 2018, Defendants Beechler and Treble moved for summary judgment. (ECF No. 15). On September 27, 2018, Plaintiff moved for an extension of time to respond to Defendants' motion. (ECF No. 18). On October 2, 2018, the Court granted Plaintiff's motion, affording him until November 15, 2018, to respond to Defendants' motion. (ECF No. 20). This extended deadline has long since passed and Plaintiff has still failed to respond to Defendants' motion for summary judgment.

While Plaintiff is representing himself, pro se litigants are "still required to follow the rules of civil procedure and easily-understood Court deadlines." *Ciavone v. McKee*, 2009 WL 2959737 at \*6 (W.D. Mich., Sept. 10, 2009). Failure by a plaintiff to respond to a motion for

summary judgment constitutes a forfeiture of the claims to which the motion is addressed. *See Notredan, L.L.C. v. Old Republic Exchange Facilitator Co.*, 531 Fed. Appx. 567, 569 (6th Cir., July 29, 2013) (failure to respond to an argument that a claim is subject to dismissal “amounts to a forfeiture of [such] claim”). Likewise, opposition to a motion for summary judgment is waived, and dismissal appropriate, where the plaintiff fails to respond thereto. *See Humphrey v. United States Attorney General’s Office*, 279 Fed. Appx. 328, 331 (6th Cir., May 15, 2008) (“if a plaintiff fails to respond or otherwise oppose a defendant’s motion, then the district court may deem the plaintiff to have waived opposition to the motion”); *Allen v. NCL America LLC*, - - - Fed. Appx. - - -, 2018 WL 3359206 at \*3 (6th Cir., July 10, 2018) (by failing to respond to motion to dismiss, plaintiff waived opposition thereto); *Moody v. CitiMortgage, Inc.*, 32 F.Supp.3d 869, 875 (W.D. Mich. 2014) (“[a] plaintiff must oppose a defendant’s motion to dismiss or otherwise respond or he waives opposition to the motion”); *Thorn v. Medtronic Sofamor Danek, USA, Inc.*, 81 F.Supp.3d 619, 631 (W.D. Mich. 2015) (same).

### **CONCLUSION**

For the reasons articulated herein, the undersigned recommends that Defendants’ Motion for Summary Judgment, (ECF No. 15), be **granted** and this action **terminated**.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Dated: November 28, 2018

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/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
U.S. Magistrate Judge